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GROUP 230

Attorney Docket  
No.: 51288

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elsässer et al. )  
Serial No.: 07/653,100 )  
Filed: February 8, 1991 )  
Title: DISK STORAGE DRIVE )  
Group Art Unit: 233 )  
Examiner: A. J. Heinz )

TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Your petitioner, Günter H. PAPST, residing at St. Georgen, Black Forest, Germany, represents that he is Geschäftsführer of Papst-Motoren GmbH & Co. KG, owner by way of assignment dated August 19, 1988, from Dieter Elsässer, Johann von der Heide, and Heinrich Cap of U. S. Patent Application serial No. 201,736, filed June 2, 1988, and recorded in the U. S. Patent and Trademark Office on Reel 4932, Frame 0658, on August 26, 1988 for DISK STORAGE DRIVE. The above-identified application, Serial No. 653,100, is a continuation application of Serial No. 402,917, which is issued as U. S. Letters Patent No. 5,001,581, which is a continuation application of Serial No. 201,736.

Your petitioner, Günter H. PAPST, hereby disclaims the terminal part of any patent granted on Serial No. 653,100 which would extend beyond the expiration date of U. S. Letters Patent No. 5,001,581 and hereby agrees that any patent so granted on Serial No. 653,100 shall be

enforceable only for and during such period that the legal title thereof shall be the same as the legal title to U. S. Letters Patent No. 5,001,581, this agreement to run with any patent granted on Serial No. 653,100 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on Serial No. 653,100 prior to the expiration date of the full statutory term of United States Patent No. 5,001,581, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Signed at St. Georgen, Schwarzwald, Germany, this  
2nd day of January, 1992.

*Unter H. Papst*  
Günther H. ~~H.~~ Papst,  
Geschaftsführer